IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Rev. No.2174 of 2005
Date of Decision:- 26.07.2007

R.K.Baweja ....Petitioner(s)

through
Mr.J.S.Hooda, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

***

SURYA KANT, J. (ORAL)

The petitioner is one of the accused in the case arising out of F.I.R.No.419 dated 30.11.2001 under Sections 406, 420-B IPC registered at Police Station, Gharaunda District Karnal.

The petitioner moved an application for his discharge, *inter alia,* on various grounds. However, his application having been declined by the trial Court, he has approached this Court.

While issuing notice of motion, it was directed that the trial proceedings shall continue.

In these circumstances and keeping in view the substantial period gone thereafter, more so when trial proceedings might be near completion, it is not desirable and/or expedient to scuttle the ongoing proceedings by discharging the petitioner.

Consequently, this petition is disposed of with liberty to the petitioner to raise all the contentions before the learned trial Court at an

appropriate stage and the same shall be gone into in accordance with law.

However, if the petitioner, for the reason that he is stated to be posted at Mumbai, applies to grant him exemption from personal appearance, the learned trial Court may grant the same subject to the conditions that (i) he shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute his identity as an accused; (iv) shall have no objection if the prosecution evidence is recorded in his absence but in the presence of his counsel; and (v) any other condition which the learned trial Court may impose.

July 26, 2007 **(SURYA KANT)**
poonam **JUDGE**